

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)	Criminal No. 8:22-MJ-201 (GLF)
)	
v.)	Stipulation and Order
)	for Enlargement of Time
BRIAN LAZORE,)	
)	
)	
Defendant.)	

STIPULATION

The United States of America, by and through its counsel of record, the United States Attorney for the Northern District of New York, and the defendant, Brian Lazore, by and through counsel, Gabrielle DiBella, hereby agree and stipulate that the time within which an indictment must be filed under Title 18, United States Code, Section 3161(b), be enlarged to and including thirty (30) days from the date of May 2, 2022, and that such time be excluded, pursuant to Title 18, United States Code, Section 3161(h)(7)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b).

- 1) The chronology of this case is as follows:
 - a) Date of complaint: April 30, 2022
 - b) Date of initial appearance: April 30, 2022
 - c) Defendant custody status: in custody.
 - d) Date United States moved for detention: April 30, 2022
 - e) Date of detention hearing: May 3, 2022
 - f) Date detention decision issued: May 3, 2022
 - g) Earlier enlargements of time and exclusions under the Speedy Trial Act: None.

- 2) The United States and/or the defendant request this exclusion based on the following facts and circumstances: The parties need to continue discovery disclosures and engage in fruitful discussion about whether this case will be resolved via plea agreement or with a trial.
- 3) The parties stipulate and agree that the ends of justice served by granting this extension outweigh the best interest of the public and the defendant in a speedy indictment and trial because: the defense and the government have been able to fully explore the merits of the case and partake in fruitful discussion following initial discovery, taking into account the exercise of due diligence (see 18 U.S.C. § 3161(h)(7)(B)(iii)).
- 4) The parties stipulate and agree that 30 days from and including May 25, 2022, shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iii).

The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

Dated: May 2, 2022

CARLA B. FREEDMAN
United States Attorney

By: /s/ Jeffrey C. Stitt
Jeffrey C. Stitt
Assistant United States Attorney
Bar Roll No. 520195

Gabrielle DiBella
Gabrielle DiBella, Esq.
Attorney for Brian Lazore
Bar Roll No. 700576

ORDER

A. The Court adopts the stipulated facts set out above as findings and hereby incorporates them into this Order;

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether an extension of time within which the government must file an information or indictment serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that, pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant(s) in a speedy indictment and trial because: this delay is necessary in order to allow the United States reasonable time following the arrest of the defendant for effective preparation for the return and filing of an indictment, taking into account the exercise of due diligence.

BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS, IT IS HEREBY ORDERED that the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), be enlarged from and including May 2, 2022, and that time be excluded pursuant to Title 18, United States Code, Section 3161(h)(7)(A), from the computation of the time within which an indictment must be filed under the provisions of Title 18, United States Code, Section 3161(b), because the ends of justice served by granting this continuance outweigh the best interest of the public and the defendant in a speedy trial for the reasons stipulated above.

IT IS SO ORDERED. Dated and entered this _____ day of May, 2022.

Hon. Gary L. Favro
U.S. Magistrate Judge